REMARKS

Claims 6-12 are pending in the application.

Claims 6-12 stand rejected under §103(a) as being unpatentable over Kahle (US 5,518,325). Applicant respectfully traverses the rejection.

The Examiner takes the position that Kahle '325 teaches or suggests everything that is claimed. With all due respect, the basis of rejection is untrue where all that Kahle '325 teaches is that a label may be separately printed and attached. The reference does not teach or suggest attaching the label by the action of a pestle as is claimed. Furthermore, the Office has no support for the position that Kahle inherently performs statistical comparative analysis in order for his invention to function. The reference is silent and nonenabling in this regard. The Office has no support for the position that Kahle inherently discloses a destructible label, as understood in the art to mean a label that adheres with sufficient force that it cannot be removed without tearing. Claim 6 distinguishes Kahle '325 by reciting a step of "manually pressing said label onto said compact disk with use of a base plate and a pestle."

It is well settled that to "establish prima facie obviousness of a claimed invention, all the claim limitations must be taught or suggested by the prior art." MPEP §2143.03; *In re Royka*, 490 F.2d 981, 180 U.S.P.Q. 580 (CCPA 1974) ("All words in a claim must be considered in judging the patentability of that claim against the prior art."). Applicant respectfully submits that this has not been done in the present rejection because Kahle '325 is completely silent as to use of the claimed pestle and base. Kahle '325 does not even recognize the problem that has been solved and provides no motivation to overcome the problem. It is apparent from the silence of Kahle '325 that Kahle had not solved the problem of how to get the sticker onto the disc once the sticker was printed. With all due respect, the rejection is made with improper hindsight relying upon Applicants own specification as the sole source for both the motivation and use of the pestle and base structure that is claimed.

The passage relied upon by the Examiner in column 5 at lines 27-38 does not teach or suggest what is claimed. This passage merely says that the label can be "easily attached." This does not consider the use of a pestle as claimed, but addresses only the manual application without the use of

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special equipment. That statement is not even cognizant of the problem that Applicant has solved.

Applicant's attorney respectfully solicits a Notice of Allowance in this application. The Commissioner is authorized to charge any additionally required fees to deposit account 12-600. Applicants' attorney urges Examiner Fridie to telephone if a conversation could expedite prosecution.

Respectfully submitted,
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